

Remarks/Arguments

Claims 1-9 are pending in this application, and are rejected in the Office Action of September 21, 2011. Claims 1-4 and 7-9 are amended herein to more particularly point out and distinctly claim the subject matter regarded as the invention.

Re: Claims Objections

Claims 8 and 9 are objected to because of various cited informalities.

In response, Applicants note that claims 8 and 9 are amended herein to address the issues raised by the Examiner. In view of these amendments, withdrawal of the claim objections is respectfully requested.

Re: Patentability of Claims 1-9 under 35 U.S.C. §112, Second Paragraph

Claims 1-9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner cites a number of instances in the claim language that are alleged to be unclear or indefinite.

In response, Applicants note that claims 1-4 and 7-9 are amended herein to more particularly point out and distinctly claim the subject matter regarded as the invention. These amendments are believed to address each of the issues raised by the Examiner.

Accordingly, in view of the accompanying amendments, Applicants submit that claims 1-9 are clear and definite under 35 U.S.C. §112, second paragraph, and withdrawal of the rejection is respectfully requested.

Re: Patentability of Claims 1-9 under 35 U.S.C. §112, First Paragraph

Claims 1-9 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to contain a written description of a “removable optical disk” in the specification. Applicants respectfully traverse this rejection for at least the following reasons.

Applicants submit that the expression “removable optical disk” is a common term in optical data storage and describes any type of exchangeable optical media, such as Compact Discs (CD), Digital Versatile Discs (DVD), or BluRay Discs (BD). A person skilled in the art at the time of the invention was well aware of the different available removable optical discs and did not need a detailed written description of a removable optical disc. This holds even more as the specific type of removable optical disc is rather irrelevant for the implementation of the invention.

Accordingly, in view of the foregoing clarification, Applicants submit that claims 1-9 comply with the written description requirement of 35 U.S.C. §112, first paragraph, and withdrawal of the rejection is respectfully requested.

Re: Patentability of Claims 1-9 under 35 U.S.C. §103(a)

Claims 1-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,516,337 issued to Tripp et al. (hereinafter, “Trip”) in view of U.S. Patent Publication No. 2003/0135464 by Mourad et al. (hereinafter, “Mourad”), and further in view of U.S. Patent Publication No. 2005/0055578 by Wright et al. (hereinafter, “Wright”). Applicants respectfully traverse this rejection for at least the following reasons.

At the outset, Applicants note that all references to optical disks in the cited documents above relate to the possibility to distribute software implementing the methods described in these documents on optical media. This has nothing to do with implementing these methods in an apparatus for reading such media. As such, to more clearly distinguish the claimed invention over the cited documents above, independent claims 1 and 8 are amended herein to recite “apparatus for playback of multimedia data content”, which should exclude a computer reading a program from an optical disk.

A. Independent Claim 1

Claim 1 is an independent claim that serves directly as a base claim for dependent claims 2-7. Claim 1, as amended herein, recites:

A method implemented in an apparatus for playback of multimedia data content from a removable optical disk for retrieving a file system of the removable optical disk, the file system indicating physical positions of content on the removable optical disk, the method comprising:

upon insertion of the removable optical disk into the apparatus, determining a signature of the removable optical disk by measuring features based on a data pattern stored on the removable optical disk, the signature including a plurality of elements;

comparing the signature with a plurality of signatures stored in a content database; and

retrieving the associated file system indicating the physical position of the content on the removable optical disk from the content database if the signature is equal to a signature stored in the content database.
[emphasis added].

In rejecting the claims, the Examiner ostensibly alleges that Tripp, col. 5, lines 14-18 and col. 7, lines 42-52 suggest the feature of the file system indicating physical positions of content on the removable optical disk, as set forth in claim 1. Applicants respectfully submit that this feature of claim 1 is distinct over Tripp, and thus over the combination of Tripp, Mourad, and Wright. Tripp, col. 5, lines 14-18, appears to teach an approach to index or catalog objects on a network (a network such as the Internet or World Wide Web). The result of indexing may be a catalog of object references, whereby each object reference is a pointer which specifies a location or address where the object may be found. Col. 7, lines 42-52 appears to teach a program that processes objects stored on the source site and generates signatures for the object. The generated signatures are transmitted from each source site to the central site and then compared to a previously generated signature for the object to determine if the object has changed.

Although Tripp may disclose an object reference is a pointer which specifies a location or address where the object may be found, Tripp's object reference does not indicate where on an optical disk the object is located. Therefore, Tripp does not suggest the file system indicating physical positions of content on the removable optical disk, as set forth in claim 1.

Tripp's specification of a location or address is completely different from claim 1. For example, Tripp, col. 10, lines 36-45 appears to disclose an agent which determines the root directory path for a particular file system. Another example is an object reference which appears to be included in a catalog of objects in the source location and other locations. Col. 27, line 62-col. 28, line 14. At col. 28, lines 21-29, Tripp refers to "the location" as either at the headquarters of a corporation or at the remote offices of the corporation.

In addition, Tripp, col. 20, lines 26-33 teaches an indexing system which apparently generates a database which includes a number of tables whereby each table includes location and address information for various items of interest. For example, tables 3, 4, 7, 8, and 9 (Tripp, cols. 20-22) apparently include information related to the Host IP address. Tables 10, 11, and 32 (cols. 23 and 39) allegedly include the address information for a particular person.

Applicants respectfully submit that Tripp's teachings of a location of a file system, in terms of at the headquarters or at a remote location, or the address of a person, are completely different from physical positions of content on the removable optical disk of claim 1. As such, claim 1 is distinct over Tripp.

Mourad and Wright, separately or in combination, lack any teaching, showing, or suggestion to cure the deficiencies in Tripp discussed above. Specifically, neither Tripp nor the combination of Tripp, Mourad, and Wright teaches, shows, or suggests "the file system indicating physical positions of content on the removable optical disk" as defined

in claim 1. In addition, the Examiner does not rely on Mourad or Wright for teaching the file system indicating physical positions of content on the removable optical disk. Thus, it is submitted that the combination of Tripp, Mourad, and Wright does not teach, show, or suggest all the limitations in claim 1.

Also, the Examiner alleges that Tripp at col. 5, line 66 to col. 6, line 17 discloses the features of upon insertion of the removable optical disk into the apparatus, determining a signature of the removable optical disk, as set forth in claim 1. Applicants respectfully disagree.

The method as disclosed by Tripp is not implemented in an apparatus for playback of multimedia content from a removable optical disk, nor is it performed upon insertion of such an optical disk into the apparatus. Tripp does not mention removable optical disks anywhere in the specification.

On page 12 of the outstanding Office Action, the Examiner refers to col. 13, lines 61-62 of Tripp as allegedly disclosing local storage media that includes all types. This cited portion of Tripp recites: "The enclosed brochure file is then stored in local storage." However, Applicants respectfully maintain that Tripp does not suggest that the local storage media includes all types. In contrast to the Examiner's allegation, Tripp appears to relate closely to hard drives which generally are not frequently exchanged. Such hard drive platters are generally only inserted once into the apparatus, namely during production, when they are completely empty. As such, Applicants respectfully assert that Tripp does not suggest the features of upon insertion of a removable optical disk into the apparatus, determining a signature of the removable optical disk.

Furthermore, neither Tripp, Mourad, and Wright, separately or in combination, suggests the features of retrieving the associated file system indicating the physical position of the content on the removable optical disk from the content database if the signature is equal to a signature stored in the content database.

Tripp is not at all concerned with retrieving the associated file system of a removable optical disk. Instead, Tripp appears to be concerned about obtaining information about the files that are available on a recording medium.

Mourad and Wright, separately or in combination, lack any suggestion of retrieving the associated file system of a removable optical disk. Furthermore, the Examiner does not rely on Mourad and Wright for teaching or suggesting such features. Therefore, Applicants submit that the combination of Tripp, Mourad, and Wright does not suggest retrieving the associated file system indicating the physical position of the content on the removable optical disk from the content database if the signature is equal to a signature stored in the content database.

Also, the Examiner admits that Tripp does not explicitly disclose the feature of the signature is equal to a signature stored in the content database, and ostensibly alleges that Mourad at paragraph [0218], lines 1-14 teaches this feature. Applicants respectfully submit that this feature of claim 1 is distinct over Mourad.

Paragraph [0218] of Mourad states:

In the Secure Digital Content Electronic Distribution System 100, the issuer of SC(s) protects the integrity of SC(s) by digitally signing it. In general, to create a digital signature of a message, a message owner first computes the message digest (defined below) and then encrypt the message digest using the owner's private key. The message is distributed with its signature. Any recipient of the message can verify the digital signature first by decrypting the signature using the public key of the message owner to recover the message digest. Then, the recipient computes the digest of the received message and compares it with the recovered one. If the message has not been altered during distribution, the calculated digest and recovered digest must be equal.

However, Mourad does not indicate if a signature is equal to a signature stored in a content database. In contrast to claim 1, Mourad appears to teach the recipient computes the digest of the received message and compares it with the recovered one. There is no mention or suggestion in Mourad of a content database.

In addition, on pages 7-8 of the outstanding Office Action, the Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to incorporate the teachings of Wright into Tripp of content sending to a central indexing meta data or signatures from objects on a computer network that would have allowed users of Tripp to determine whether the message has not been altered during distribution by comparing the signature with a plurality of signatures stored in a content database. The Examiner further alleges that Wright, Tripp, and Mourad are from the same field of endeavour.

Applicants respectfully submit that a person having ordinary skill in the art would not combine the features of Tripp, Mourad, and Wright. First, Tripp, Mourad, and Wright are not from the same field of endeavor. For example, Mourad appears to relate to digital distribution using a web broadcast infrastructure, which is completely different from reading from removable optical disks of claim 1. Wright appears to teach signature comparison (see, for example, Wright, paragraph [0167]). However, Wright is concerned with virus detection. The underlying signatures of Wright are in no way related to or equivalent to signatures of a removable optical disk.

Applicants respectfully maintain that the Examiner simply provides conclusory statements to support the instant rejection. Nowhere is there any suggestion in Tripp, Mourad, and Wright for the features of retrieving the associated file system indicating the physical position of the content on the removable optical disk from the content database if the signature is equal to a signature stored in the content database.

KSR makes clear that rejections on obviousness cannot be sustained by mere conclusory statements; instead KSR requires that an Examiner provide “some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness.” (KSR Opinion at p. 14). An Examiner must “identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does,” (KSR Opinion at p. 15). And, the Examiner must make “explicit” this rationale of “the apparent reason to combine the known elements in the fashion claimed,” including a detailed explanation of “the effects of demands known to the design community or present in the marketplace” and “the background knowledge possessed by a person having ordinary skill in the art.” (KSR Opinion at p. 14). Anything less than such an explicit analysis may not be sufficient to support a prima facie case of obviousness.

Applicants submit that the Examiner has not presented a prima facie case of obviousness and the rejection should be withdrawn.

For the reasons set forth above, it is believed that claim 1 would not have been obvious to a person of ordinary skill in the art upon a reading of Tripp, Mourad, and Wright, either separately or in combination. Therefore, it is submitted that independent claim 1 is patentable under 35 U.S.C. §103 over the proposed combination of Tripp, Mourad, and Wright.

B. Dependent Claims 2-7

Claims 2-7 depend directly from claim 1. Each dependent claim includes all the features of claim 1 including all the particular features discussed immediately above. In view of this dependence, Applicants apply the above arguments from claim 1 for each of dependent claims 2-7. Thus, it is submitted that claims 2-7 are allowable at least by virtue of their dependency from claim 1.

C. Independent Claim 8

Claim 8 is an independent claim from which claim 9 ultimately depends. Claim 8, as amended herein, recites:

An apparatus for playback of multimedia data content from a removable optical disk, wherein the apparatus includes at least one element configured for retrieving a file system of the removable optical disk, the file system indicating physical positions of content on the removable optical disk, by performing steps comprising:

upon insertion of the removable optical disk into the apparatus, determining a signature of the removable optical disk by measuring features based on a data pattern stored on the removable optical disk, the signature including a plurality of elements;

comparing the signature with a plurality of signatures stored in a content database; and

retrieving the associated file system indicating the physical position of the content on the removable optical disk from the content database if the signature is equal to a signature stored in the content database.
[emphasis added].

Claim 8 is an apparatus claim including limitations substantially similar in nature to those discussed above with respect to claim 1 (although claim 8 must be interpreted based upon its own specific features). Claim 8 calls for “the file system indicating physical positions of content on the removable optical disk”, “upon insertion of the removable optical disk into the apparatus, determining a signature of the removable optical disk by measuring features based on a data pattern stored on the removable optical disk, the signature including a plurality of elements,” and “retrieving the associated file system indicating the physical position of the content on the removable optical disk from the content database if the signature is equal to a signature stored in the content database.”

Applicants apply the arguments from claim 1 above for claim 8 without any loss of generality or limitation. For all the reasons set forth herein with respect to claim 8

and above with respect to claim 1, it is believed that the elements of claim 8 are not taught, shown, or suggested by Tripp, Mourad, and Wright, either separately or in combination. It is therefore submitted that claim 8 would not have been obvious to a person of ordinary skill in the art upon a reading of Tripp, Mourad, and Wright, either separately or in combination. Therefore, it is submitted that independent claim 8 is also patentable under 35 U.S.C. §103 over the proposed combination of Tripp, Mourad, and Wright.

D. Dependent Claim 9

Claim 9 depends from independent claim 8 and includes all the features of claim 8 including all the particular features discussed immediately above. In view of this dependence, Applicants apply the above arguments from independent claim 8 for dependent claim 9. Thus, it is submitted that claim 9 is allowable at least by virtue of its dependency from claim 8.

Accordingly, for at least the foregoing reasons, Applicants submit that claims 1-9 are patentable under 35 U.S.C. §103(a) over the proposed combination of Trip, Mourad and Wright, and withdrawal of the rejection is respectfully requested.

Conclusion

For at least the foregoing reasons, it is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intention to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (540) 374-8400, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due from this response. However, if a fee is due, and if not already charged, please charge such fee, and credit any overpayment, to Deposit Account No. 07-0832.

Respectfully submitted,

/Jeffrey D. Carter/

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By: Jeffrey D. Carter
Attorney for Applicants
Registration No. 37,795

The Carter Law Firm
1107 Caroline Street
Suite 2000
Fredericksburg, VA 22401
(540) 374-8400